

Docket No.: 1163-0329P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toyokazu SUGAI et al.

Application No.: 09/802,961

Confirmation No.: 2653

Filed: March 12, 2001

Art Unit: 2611

For: ELECTRONIC PROGRAM GUIDE
PROVIDING DEVICE

Examiner: H. V. Tran

REQUEST FOR RECONSIDERATION

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office action dated August 10, 2006, wherein pending claims 1-26 have been rejected, Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

In paragraph 1 of the Office Action ("Action"), the Examiner rejects claims 1-11 and 16-23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Admitted Prior Art ("APA") discussed on pages 1-2 of Applicants' specification in view of U.S. Patent No. 6,314,571 to Ogawa et al. ("Ogawa"). Applicants respectfully traverse this rejection.

Applicants note that the Ogawa reference is disqualified as prior art under 35 U.S.C. § 103(c), which states:

(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Although the Ogawa reference was filed on July 12, 1999, it issued on November 6, 2001, therefore it qualifies as prior art under § 102(e). In addition, the Ogawa reference and the instant application are both assigned to Mitsubishi Denki Kabushiki Kaisha. Therefore, the Ogawa reference is disqualified as prior art under 35 U.S.C. § 103(c). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-11 and 16-23 under 35 U.S.C. § 103.

Furthermore, Applicants note that the Ogawa reference fails to disclose each and every claimed element, for example, generating electronic program guide information tables as recited in claims 1 and 20. To the contrary, Ogawa merely discloses updating EPG data. Accordingly, even if Ogawa were not disqualified as prior art under 35 U.S.C. § 103(c) it would still fail to render claims 1-11 and 16-23 unpatentable because it fails to disclose or suggest each and every claimed element.

In paragraph 2 of the Action, the Examiner rejects claims 12-15 and 24-26 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the APA in view of Ogawa, further in view of U.S. Patent No. 5,666,654 to Thomas et al. ("Thomas"). Applicants respectfully traverse this rejection.

As discussed above, the Ogawa reference is disqualified as prior art under 35

U.S.C. § 103(c). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12-15 and 24-26 under 35 U.S.C. § 103(a).

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 30, 2006

Respectfully submitted,

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